

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

BROAD BROOK VENTURES LLC,

Plaintiff,

-vs-

DW RUSSELL LLC D/B/A PACIFIC REEF
SPEARFISHING,

Defendant.

Index No. 1:25-cv-00893- DEH

~~PROPOSED~~ TEMPORARY RESTRAINING ORDER

Upon review of the Verified Complaint of Plaintiff Broad Brook Ventures LLC, dated January 30, 2025, with exhibits annexed thereto [ECF 1], and Plaintiff's Memorandum of Law, dated January 30, 2025 in support of this Order [ECF 5], and for good cause shown, it is hereby:

ORDERED, that for the reasons set forth in Plaintiffs' request for a preliminary injunction and those reasons presented at the oral argument held on February 6, 2025, Plaintiff's request for a temporary restraining order pending the Court's ruling on a preliminary injunction, is hereby **GRANTED**; and it is further:

ORDERED that pending further order of this Court, Defendant DW Russell LLC d/b/a Pacific Reef Spearfishing, and its directors, officers, agents, servants, employees, and all other persons in active concert or privity or in participation with them shall, upon service of this Order in the manner described below, be immediately temporarily:

1. Enjoined from engaging in any activity that would infringe Plaintiff's United States Copyright Registration No. VA 2-297-262, for its sculpture design entitled "Aztec Skull Sculpture Warrior Black";
2. Enjoined to shut down/disable/remove any internet store and/or webpages that advertise, sell or offer to sell products that infringe Plaintiff's Copyright, including, including but not limited to:

- a. **Amazon.com**: ASIN Nos. B0DB58ZRD6 and B0DHGGQDW9;
 - b. **Walmart.com**: Item Nos. 12239061366 and 12475906356;
 - c. **eBay.com**: Item Nos. 305843204621 and 305868733723.
3. Enjoined from assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities listed above, including by effecting any assignments or transfers, forming new entities or using any other device for the purpose of circumventing the prohibitions contained in subparagraphs (1) and (2); and
 4. Enjoined from secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: (i) any products, not manufactured or distributed by the Plaintiff, that infringe Plaintiff's Copyright; (ii) any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of any products that infringe Plaintiff's Copyright; or (iii) any assets or other financial accounts subject to this Order, including inventory assets, in the actual or constructive possession of, or owned, controlled, or held by, or subject to access by, any of the Defendant, including, but not limited to, any assets held by or on behalf of any of the Defendant; and it is further:

ORDERED that under Fed. R. Civ. P. 65(d)(2), pending further order of this Court, any online marketplaces that advertise, sell or offer to sell Defendant's infringing products, including Amazon.com, Walmart.com, and eBay.com, shall be:

1. Enjoined to shut down/disable/remove any internet store and/or webpages that advertise, sell or offer to sell products that infringe Plaintiff's Copyright, including, but not limited to:
 - a. **Amazon.com**: ASIN Nos. B0DB58ZRD6 and B0DHGGQDW9;
 - b. **Walmart.com**: Item Nos. 12239061366 and 12475906356;
 - c. **eBay.com**: Item Nos. 305843204621 and 305868733723.
2. Enjoined from transferring or dissipating any funds held in the financial accounts identified or associated with the Defendant through which Defendant sells the infringing products; and it is further:

ORDERED that, good cause being shown, Plaintiff shall be granted expedited discovery from Amazon.com, Walmart.com, and eBay.com, to produce information sufficient to identify:

- a. Sales data for the infringing products, including dates of sales, number of units sold, and price per unit;
- b. Documents identifying any user accounts and storefronts associated with Defendant through which any of the infringing products were advertised, offered for sale, and/or sold, including, but not limited to, names, addresses and e-mail addresses, and other contact information; and it is further:

ORDERED that personal service upon Defendant at its principal place of business at 62 Gulf Breeze Pkwy Suite 165, Gulf Breeze, Florida, 32561, or through its Registered Agent at Registered Agents Inc., 7901 4th Street North, Suite 300, St. Petersburg, Florida 33702, shall be deemed sufficient service; and it is further:

ORDERED that overnight mail and email service on the legal departments of Amazon.com, Walmart.com, and eBay.com Defendant shall be deemed sufficient service.

Dated: New York, New York

February 7, 2025

Absent a motion for extension and modification by this Court, this Order shall expire in 14 days, or by February 21, 2025.

SO ORDERED,



HON. DALE E. HO
United States District Judge